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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,273	02/15/2007	Eberhard Benz	095309.57812US	4803

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CROWELL & MORING LLP
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EXAMINER

BLACK, MELISSA ANN

ART UNIT	PAPER NUMBER
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3612

NOTIFICATION DATE	DELIVERY MODE
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07/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Office Action Summary	Application No. 10/582,273	Applicant(s) BENZ ET AL.	
	Examiner MELISSA A. BLACK	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/9/06, 2/15/07</u> . | 6) <input type="checkbox"/> Other: ____. |

ETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13- 18, 22, 24 and 26-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat # 5,941,597 to Horiuchi et al.

Horiuchi et al disclose a door pillar (1) for a supporting frame structure of a vehicle body, comprising: an upper section which extends from a vehicle roof (See Figure 1) as far as a vehicle side edge, a lower section which extends from the vehicle side edge in the direction of a vehicle floor (5a), a pillar body (12, 13, and 16) which extends at least in the upper section and is made of iron or an iron alloy (Column 3, lines 4-8, column 5, lines 3-14), and a pillar base (11) which is connected fixedly thereto, extends at least in the lower section, and is made of light metal or a light metal alloy (Column 3, lines 44-49). Re Claim 14, Horiuchi et al disclose the pillar base (11) extends exclusively in the lower section (Near 15), wherein the pillar body (12, 13, 16) at least partially extends into the lower section, and wherein the pillar body (12) is connected in the lower section to the pillar base (See Figure 3). Re Claims 15 and 26, Horiuchi et al disclose the pillar body (12) extends from the vehicle roof as far as the vehicle side edge, into the lower section, or as far as the vehicle floor. Re Claims 16, 27 and 28, Horiuchi et al disclose the pillar body (12, 13, and 16) has a roof connection zone which is configured for forming a fixed

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connection to at least one of the vehicle roof and a roof member (see top of 13). Re Claims 17, 29, 30, and 31, Horiuchi et al disclose the pillar base (11) has a floor connection zone which is configured for forming a fixed connection to the vehicle floor (5a). Re Claims 18 and 32 Horiuchi et al disclose the pillar base (11) has at least one structure connection zone (15) which is configured for forming a fixed connection to a part of the supporting frame structure. Re Claim 22, Horiuchi et al disclose that the pillar body is at least welded to the pillar base (column 3, lines 52-54). Re Claim 24, Horiuchi et al disclose that the pillar is an A-pillar.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over by US Pat # 5,941,597 to Horiuchi et al in view of US Pat # 5,398,989 to Winter et al.

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Horiuchi et al disclose that the pillar body (12, 13 and 16) is configured as multi-part metal component, the pillar base is configured as a single-part thin-walled part and that the pillar base is connected onto the pillar body.

Horiuchi et al fails to disclose that the pillar body is made of sheet-metal and that the pillar base is cast and that the two parts are cast together.

Winter et al teaches that a pillar is made by both casting and sheet-metal (Column 4, lines 39-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to make the pillar base and body from sheet-metal or casting as taught by Winter et al on the device of Horiuchi et al in order to achieve the desired strength of the pillar and since they are well known processes in the art for producing vehicle parts.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 5,941,597 to Horiuchi et al. in view of US Pat # 6,378,933 to Schoen et al.

Horiuchi et al fails to disclose that the pillar is an A pillar in a convertible.

Schoen et al teaches the use of an A pillar in a convertible.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use the pillar of Horiuchi et al in a convertible as taught by Schoen et al in order to protect the occupant in a chance of a roll over.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 5,941,597 to Horiuchi et al.

Horiuchi et al fail to disclose that the pillar body in the lower section at least partially covers the pillar base on the outside thereof.

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to have the pillar body attach to the outside of the pillar base for it is a mere relocation of part and requires only routine skill in the art. Pillar body is a reinforcing part and it is an obvious expedient in the art to place reinforcements on both sides of a pillar as best suited for the design.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA A. BLACK whose telephone number is (571)272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis H. Pedder/

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Primary Examiner, Art Unit 3612

/M. A. B./

Examiner, Art Unit 3612